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## Appeal Decision

Site visit made on 2 February 2026

by **S Ashworth BA (Hons) BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2026

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### Appeal Ref: APP/H5390/W/25/3376670

#### 84D Lillie Road, London, SW6 1TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3 (1) and Schedule 2, part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Erlandsson Holdings Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
  - The application Ref is 2025/01843/PMA56.
  - The development proposed is change of use of existing commercial unit at ground and lower ground floor level (Class E) into a self-contained residential flat (Class C3).
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### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of existing commercial unit at ground and lower ground floor level (Class E) into a self-contained residential flat (Class C3) at 84D Lillie Road, London, SW6 1TL in accordance with the application ref 2025/01843/PMA56 and the details submitted with it including plan nos. L(-3) 200; L(-2) 201; L(-2) 202; Flood Risk Assessment rev C, and subject to the conditions set out in the schedule below.

### Application for Costs

2. An application for costs was made by Erlandsson Holdings Ltd against the Council of the London Borough of Hammersmith and Fulham. This application is the subject of a separate decision.

### Background and Main Issue

3. Article 3(1) and Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) provides for a permitted development right for the change of use of a building falling within use class E (Commercial, Business and Service) to class C3 (Dwellings). This is subject to limitations and conditions, as set out in subsequent paragraphs of Class MA.
4. Paragraph MA.2.(2) of the GPDO requires that before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to a number of specified impacts of the development.
5. In this case, matters in dispute between the main parties were the provision of adequate natural light in all habitable rooms of the dwelling, condition MA.2.(2)(f)

and the transport impacts of the development, condition MA.2.(2)(a). The application was refused on those grounds.

6. During the course of the appeal, a completed Unilateral Undertaking made pursuant to s.16 of the Greater London Council (General Powers) Act 1974 and s.106 of the Town and Country Planning Act 1990 was submitted to the Council to prevent future occupiers of the development, other than Blue Badge holders, from applying for parking permits in order to limit the impact of the development on the surrounding area in terms of additional on-street parking demands. The Council is satisfied that the obligation would overcome the second reason for refusal.
7. On that basis the remaining main issue in this case is whether the proposal would provide adequate natural light in all habitable rooms.

## Reasons

8. The appeal site comprises the ground floor and basement of a terraced property on Lillie Road which is currently vacant but which was last used for commercial purposes. It is proposed to convert the space into a one-bedroomed duplex apartment. A south facing glazed shop front currently provides natural light to the ground floor of the unit but there are no window openings to the basement such that it relies on artificial light. Given the limited natural light sources, the unit as it is at present is not capable of meeting the requirements of paragraph MA.2.(2)(f). The GPDO states that 'the local planning authority must refuse prior approval if adequate natural light is not provided in all habitable rooms of the dwellinghouse'.
9. However, planning permission has already been granted<sup>1</sup> for the introduction of pavement lights above part of the basement and for a double height open courtyard to the rear of the unit. That permission has not been implemented but there is no dispute that it is extant. The proposed development would provide a bedroom, bathroom and cycle store at ground floor level, and a kitchen, living/dining room, and a snug at basement level. The layout of the apartment would incorporate the elements of the earlier permission as well as the removal of a section of floor to provide a double height space close to the frontage of the building.
10. The Council accepts that a Grampian condition requiring the earlier permission to be implemented prior to the commencement of the change of use is possible but nevertheless considers that even including the provision of the courtyard and pavement lights, there would be insufficient natural light within the proposed residential unit.
11. The term 'natural light' is not defined in the GPDO and whether there would be sufficient natural light in all habitable rooms is a matter of planning judgement. The Building Research Establishment guide 'Site layout planning for daylight and sunlight : A guide to good practice', (the BRE guide) provides best practice advice.
12. On the basis of the proposal being a 'hard to light dwelling', that is, a dwelling within a converted building, the appellant's Daylight and Sunlight Assessment<sup>2</sup> (DAS) concludes that the bedroom would meet the minimum target for daylight as set out in the BRE guide, and the living room and kitchen would slightly exceed it. The snug, situated to the rear of the unit at basement level, would not meet the minimum standard.

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<sup>1</sup> Application Ref: 2024/01875/FUL

<sup>2</sup> The Daylight Lab, Daylight and Sunlight Assessment July 2025

13. The BRE guide also advises that a space should receive a minimum of 1.5 hours of direct sunlight on the 21 March (equinox) assuming a clear sky. For dwellings, at least one habitable room, preferably a main living room, should meet at least the minimum criterion. The conclusion of the DAS in this case is that the former shop window would allow over 8.7 hours of direct sunlight into the apartment which would far exceed the minimum standard.
14. I acknowledge the Council's concern that given the unconventional layout of the apartment, there would be barriers to light internally that may diffuse the amount of direct sunlight reaching the basement. I also note that the DAS does not include a specific calculation of direct sunlight in that respect. However, as the only barriers between the main window and the bedroom would be, potentially, a balustrade to the staircase and a glazed screen to the bedroom, I am satisfied that a habitable room, albeit not a main living room, would receive more than adequate levels of direct sunlight. Furthermore, given the size and position of the void, the main living/dining room at basement level would also receive a significant amount of direct sunlight, notwithstanding the presence of the stairs, and the kitchen would receive diffused direct sunlight through the pavement lights, even if not through the void.
15. In terms of the consideration of general daylight, while the living/dining room would be a deep room, the courtyard would provide additional natural light to the rear portion of it. I recognise that the courtyard would be surrounded by built form as indicated on the 3D model accompanying the DAS, some of which would exceed the height of the void. However, I am not persuaded that this has not been taken into account in the calculations or that the courtyard would provide no additional daylight into the flat, particularly if walls and flooring had a light reflective finish as proposed. Other potential barriers to light, including the footfall over the pavement lights which could lead to the accumulation of dirt, and the obscure nature of the privacy film to be applied to the front window, have also been considered in the DAS which was specifically updated for that purpose. Calculations relating to these elements of the scheme were based on worst case scenarios.
16. Given that the snug would not meet the minimum levels set out in the BRE guide it is likely to require artificial lighting. However, as the open living/dining room would be a generously proportioned space it, to my mind, would constitute the principal living area such that the snug would provide a secondary living space. Furthermore, in terms of its overall space, the apartment would far exceed the minimum Nationally Described Space Standards in terms of overall floorspace for a one-bedroomed 2-person dwelling set over two floors. On that basis I am satisfied that satisfactory living conditions would be provided throughout the dwelling.
17. Accordingly, given the advice at paragraph 230( c) of the National Planning Policy Framework (the Framework) that when considering applications for housing, a flexible approach should be taken to applying guidance relating to sunlight and daylight and taking all the above into account, the proposal would satisfy the requirements of paragraph MA.2.(2)(f) of the GPDO.

### **Other Matter**

18. As set out above, the signed and agreed UU dated 4 December 2025 would restrict future residents, other than Blue Badge holders, from applying for parking permits. The planning obligation is necessary to prevent the development from causing

unacceptable transport impacts in terms of additional demand for on-street parking. It is directly related to the proposal and is fairly and reasonably related in scale and kind. Accordingly, it meets the tests for a planning obligation set out in paragraph 58 of the Framework.

### **Conditions**

19. Development under Class MA is permitted subject to the standard conditions set out at paragraphs MA.2.(5) and (6) which include that the development must be completed within a period of 3 years starting with the prior approval date; and that any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
20. The Council has suggested several other conditions in the event of the appeal being allowed which I have considered in the light of advice in the Planning Practice Guidance and the provisions of paragraph W.(13) of the GPDO, which requires any conditions to be reasonably related to the subject matter of the prior approval. I am not convinced that the provision of a refuse store meets this requirement and as such I have not imposed the suggested condition in that regard.
21. In order to limit the impact of the development on flood risk and to mitigate the susceptibility of the development to flooding, a condition requiring the implementation and retention of measures outlined in the Flood Risk Assessment is necessary. In order to minimise the impact of the development on the highway network, a condition requiring the provision and retention of the proposed cycle storage facility is reasonable and necessary.
22. In order to ensure that the habitable rooms have adequate natural light, a Grampian condition requiring the implementation of the previous permission prior to the occupation of the unit is necessary to make the development acceptable in planning terms, reasonable and relevant.

### **Conclusion**

23. For the above reasons, the appeal is allowed and prior approval is granted.

*S Ashworth*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment dated 13/03/2025 rev C. No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.
2. Prior to the first occupation of the development, full details of the cycle storage for the units shall be submitted to and approved by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved plans prior to the first occupation of the residential unit and shall be thereafter be permanently retained for this designated purpose.
3. The occupation of the residential apartment authorised by this prior approval shall not commence until all the works shown on the drawings approved pursuant to the planning permission ref 2024/01875/FUL dated 23 September 2024, have been completed. These works shall thereafter be retained.

